

**Maine Revised Statutes**  
**Title 35-A: PUBLIC UTILITIES**  
**Chapter 93: ADVANCED TECHNOLOGY INFRASTRUCTURE**

**§9216. BROADBAND SUSTAINABILITY FEE**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "First assessment period" means the period:

(1) Commencing on the first day of the month following the date on which a dark fiber provider first sells, leases or otherwise provides one or more strands of federally supported dark fiber to an entity in this State; and

(2) Ending on the last day of the 60th month following the commencement under subparagraph (1) or 90 days after the adjournment of the First Regular Session of the 127th Legislature, whichever comes first. [ 2015, c. 151, §1 (AMD) . ]

B. "Incumbent local exchange carrier" means a telephone utility that provided single-party service, voice grade access to the public switched telephone network in a defined service territory in the State on February 8, 1996, or its successor, or that is designated as an incumbent local exchange carrier pursuant to 47 United States Code, Section 251(h)(2). [ 2009, c. 612, §10 (NEW) . ]

C. "Second assessment period" means the period:

(1) Commencing on the first day of the month following the end of the first assessment period; and

(2) Ending 90 days after the adjournment of the First Regular Session of the 127th Legislature. [ 2015, c. 151, §1 (AMD) . ]

[ 2015, c. 151, §1 (AMD) . ]

**2. Broadband sustainability fee.** Until 90 days after the adjournment of the First Regular Session of the 127th Legislature, an entity that purchases, leases or otherwise obtains federally supported dark fiber from a dark fiber provider is subject to the following broadband sustainability fees:

A. During the first assessment period, a monthly fee equal to \$3 multiplied by the number of miles of federally supported dark fiber strand purchased, leased or used by the entity during the month; and [ 2009, c. 612, §10 (NEW) . ]

B. During the 2nd assessment period, a monthly fee equal to \$2 multiplied by the number of miles of federally supported dark fiber strand purchased, leased or used by the entity during the month. [ 2009, c. 612, §10 (NEW) . ]

[ 2015, c. 151, §2 (AMD) . ]

**3. Collection.** A dark fiber provider shall collect the broadband sustainability fees under subsection 2 and within 15 days after the end of each month remit the amounts collected to the authority. When remitting funds to the authority, the dark fiber provider shall include sufficient information to allow the authority to determine the number of miles of federally supported dark fiber strands sold, leased or used in the service territory of each incumbent local exchange carrier.

[ 2009, c. 612, §10 (NEW) . ]

**4. Deposit.** The authority shall:

A. Deposit 5% of the funds received under subsection 3 into the ConnectME Fund established under section 9211 and may use these funds to support the activities of the authority under this section and for the purposes of section 9204-A; and [2015, c. 284, §10 (AMD).]

B. Deposit 95% of the funds received under subsection 3 into the broadband sustainability fund established pursuant to subsection 5. [2009, c. 612, §10 (NEW).]

[2015, c. 284, §10 (AMD).]

**5. Broadband sustainability fund.** The authority shall establish a broadband sustainability fund, separate and distinct from any other funds held or maintained by the authority, for use in accordance with subsection 6. The fund is nonlapsing and all interest on funds in the fund remains in the fund for use in accordance with subsection 6. The authority may contract with an appropriate independent fiscal agent that is not a state entity to serve as the administrator of the fund.

[2015, c. 151, §2 (AMD).]

**6. Use of the broadband sustainability fund.** The authority shall use funds in the broadband sustainability fund established pursuant to subsection 5 to support and promote broadband service in unserved or underserved areas.

A. [2015, c. 151, §2 (RP).]

B. [2015, c. 151, §2 (RP).]

C. [2015, c. 151, §2 (RP).]

D. [2015, c. 151, §2 (RP).]

[2015, c. 151, §2 (AMD).]

#### SECTION HISTORY

2009, c. 612, §10 (NEW). 2015, c. 151, §§1, 2 (AMD). 2015, c. 284, §10 (AMD).

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